U.S. Army Corps of Engineers DISTRICT OFFICE: NEW YORK DISTRICT (CENAN) FILE NUMBER: 2004-00451 PROJECT LOCATION INFORMATION: State: New York County: Dutchess Center eoordinates of site (latitude/longitude): lat:41-43-18.0120 lon:73-51-24.0120 Approximate size of area (parcel) reviewed, including uplands: 37.90 acres. Name of nearest waterway: Unnamed Tributary to Wappinger Creek HUDSON RIVER - YONKERS TO POUGHKEEPSIE Name of watershed: JURISDICTIONAL DETERMINATION Completed: Desktop determination Date: [] Site visit(s) [X]Date(s): May 11, 2004 Jurisdictional Determination (JD): [] Preliminary JD - Based on available information, [] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). [X] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: [] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [X] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 16.72 acres. [] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. [] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": [] The presence of waters that are subject to the cbb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. [] (2) The presence of interstate waters including interstate wetlands¹. [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

- [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
- [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - [] (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- [] (4) Impoundments of waters otherwise defined as waters of the US.
- [X] (5) The presence of a tributary to a water identified in (1) (4) above.
- [] (6) The presence of territorial seas.
- [X] (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(I) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Wetlands include unnamed tributaries to Wappinger Creek, which flows to the Hudson River, which is navigable.

Lateral Extent of Jurisdiction: (Reference: 33 CFR	parts 328 and 329)
[X] Ordinary High Water Mark indicated by:	[] High Tide Line indicated by:
[X] clear, natural line impressed on the bank	[] oil or scum line along shore objects
[X] the presence of litter and debris	[] fine shell or debris deposits (foreshore)
[] ehanges in the character of soil	[] physical markings/characteristics
[X] destruction of terrestrial vegetation	[] tidal gages
[] shelving	[] other:
1. 0	[] other.
[] other:	
[] Mean High Water Mark indicated by:	
[] survey to available datum; [] physical marking	er. [] vegetation lines/changes in vegetation types
[] survey to available datum, [] physical marking	s, [] vegetation intes/enanges in vegetation types.
[X] Wetland boundaries, as shown on the attached wet	land delineation map and/or in a delineation report prepared by:
Basis For Not Asserting Jurisdiction:	
[] The reviewed area eonsists entirely of uplands.	
[] Unable to confirm the presence of waters in 33 CFI	R part 328(a)(1 - 2 or 4-7)
[] Headquarters declined to approve jurisdiction on the	
	hat the following waters present on the site are not Waters of
the United States:	that the following waters present on the site are not waters of
[] Waste treatment systems, including treatment po	ands or lagoons, pursuant to 33 CFR part 328.3.
[] Artificially irrigated areas, which would revert to	
Artificial lakes and ponds created by excavating	
	such purposes as stock watering, irrigation, settling basins, or
rice growing.	such purposes as stock watering, irrigation, setting basins, of
[] Artificial reflecting or swimming pools or other	small ornamental hodies of water created
by excavating and/or diking dry land to retain w	
	dental to construction activity and pits excavated in dry land for
	ess and until the construction or excavation operation is
	s the definition of waters of the United States found at 33 CFR
328.3(a).	
[] Isolated, intrastate wetland with no nexus to inte	
	Natural Resources Conservation Service. Explain rationale:
[] Non-tidal drainage or irrigation ditches excavate	d on dry land. Explaiπ ratioπale:
[] Other (explain):	
DATA REVIEWED FOR JURISDICTIONAL DETERM	MINATION (mark all that apply):
[X] Maps, plans, plots or plat submitted by or on hehal	
[X] Data sheets prepared/submitted by or on behalf of	
[] This office concurs with the delineation report, of	• •
[] This office does not concur with the delineation	
[] Data sheets prepared by the Corps.	report, dured , prepared by (company).
[] Corps' navigable waters' studies:	
[] U.S. Geological Survey Hydrologic Atlas:	
	one, Planant Valley, NV
[X] U.S. Geological Survey 7.5 Minute Topographic m	
[] U.S. Geological Survey 7.5 Minute Historic quadrar	
[] U.S. Geological Survey 15 Minute Historic quadran	
[] USDA Natural Resources Conservation Service Soil	
[X] National wetlands inventory maps: Pleasant Valley,	
[X] State/Local wetland inventory maps: Pleasant Valle	y, NY
[] FEMA/FIRM maps (Map Name & Date):	
[] 100-year Floodplain Elevation is: (NGVD)	
[] Acrial Photographs (Name & Datc):	
[X] Other photographs (Date):	
[] Advanced Identification Wetland maps:	
[X] Site visit/determination conducted on: May 11, 200	14
[] Applicable/supporting case law:	
Other information (please specify):	
[] /b L/)/.	

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers DISTRICT OFFICE: NEW YORK DISTRICT (CENAN) FILE NUMBER: 2005-00634 PROJECT LOCATION INFORMATION: State: New York County: Richmond Center coordinates of site (latitude/longitude): lat:40-38-47.0400 lon:74-10-52.6800 Approximate size of area (parcel) reviewed, including uplands: 0.934 acres. Name of nearest waterway: Arthur Kill ARTHUR KILL Name of watershed: JURISDICTIONAL DETERMINATION Completed: Desktop determination Date: July 19, 2005 [X]Site visit(s) Date(s): 11 Jurisdictional Determination (JD): [X] Preliminary JD - Based on available information, [x] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: [] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. [] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": [x] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [x] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. [] (2) The presence of interstate waters including interstate wetlands¹. [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats,

- [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - [] (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- [] (4) Impoundments of waters otherwise defined as waters of the US.
- [x] (5) The presence of a tributary to a water identified in (1) (4) above.
- [] (6) The presence of territorial seas.
- [] (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site canditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Arthur Kill and associated wetland system is subject to the ebb and flow of the tide; the Arthur Kill is used for interstate/foreign commerce and, thus, is considered to be a navigable water of the United States.

	Lateral Extent of Jurisdiction: (Reference: 33 CFR)	parts 328 and 329)
	[] Ordinary High Water Mark indicated by:	[] High Tide Line indicated by:
	[] clear, natural line impressed on the bank	[] oil or scum line along shore objects
	[] the presence of litter and debris	[] fine shell or debris deposits (foreshore)
	[] changes in the character of soil	[] physical markings/characteristics
	[] destruction of terrestrial vegetation	[] tidal gages
	[] shelving	[] other:
		[] oner.
	[] other:	
	[x] Mean High Water Mark indicated by:	
	[x] survey to available datum; [x] physical marking	gs; [x] vegetation lines/changes in vegetation types.
	Fed - 4	5.7.1.1.2
	[x] Wetland boundaries, as shown on the attached wetla	and delineation map and/or in a delineation report prepared by:
	Basis For Not Asserting Jurisdiction:	
	[] The reviewed area consists entirely of uplands.	
	[] Unable to confirm the presence of waters in 33 CFF	R part 328(a)(1, 2, or 4-7).
	[] Headquarters declined to approve jurisdiction on the	
		hat the following waters present on the site are not Waters of
	the United States:	hat the following waters present on the site are not waters of
		nds on lagrans, nursuant to 22 CED nort 200.2
	[] Waste treatment systems, including treatment pol	
	[] Artificially irrigated areas, which would revert to	
	[] Artificial lakes and ponds created by excavating	
	•	such purposes as stock watering, irrigation, settling basins, or
	rice growing.	
	[] Artificial reflecting or swimming pools or other	small ornamental bodies of water created
	by excavating and/or diking dry land to retain wa	ater for primarily aesthetic reasons.
	[] Water-filled depressions created in dry land incident	dental to construction activity and pits excavated in dry land for
	the purpose of obtaining fill, sand, or gravel unle	ess and until the construction or excavation operation is
	abandoned and the resulting body of water meets 328.3(a).	s the definition of waters of the United States found at 33 CFR
	[] Isolated, intrastate wetland with no nexus to inter	rstate commerce.
		Natural Resources Conservation Service. Explain rationale:
	(1	
	[] Non-tidal drainage or irrigation ditches excavated	d on dry land. Explain rationale:
	[] Other (explain):	
DATA I	REVIEWED FOR JURISDICTIONAL DETERMINAT	YON (mark all that apply):
DAIA	[x] Maps, plans, plots or plat submitted by or on behalf	
	[] Data sheets prepared/submitted by or on behalf of the	
	[] This office concurs with the delineation report, d	
	[] This office does not concur with the delineation	report, dated , prepared by (company):
	[] Data sheets prepared by the Corps.	
	[] Corps' navigable waters' studies:	
	[] U.S. Geological Survey Hydrologic Atlas:	
	[] U.S. Geological Survey 7.5 Minute Topographic may	ps:
	[] U.S. Geological Survey 7.5 Minute Historic quadran	gles:
	[] U.S. Geological Survey 15 Minute Historic quadrang	gles:
	[] USDA Natural Resources Conservation Service Soil	
	[] National wetlands inventory maps:	•
	State/Local wetland inventory maps:	
	[] FEMA/FIRM maps (Map Name & Date):	
	[] 100-year Floodplain Elevation is: (NGVD)	
	[] Aerial Photographs (Name & Date):	
	[x] Other photographs (Date):	
	[] Advanced Identification Wetland maps:	
	[] Site visit/determination conducted on:	
	[] Applicable/supporting case law:	
	[] Other information (please specify):	

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: NEW YORK DISTRICT (CENAN)

FILE NUMBER: 2005-00683

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	· ·			LV				111	ľV				V I	٠.

State: New York County: Jefferson

Center coordinates of site (latitude/longitude): lat:44-12-40.6800 lon:75-34-10.3440

JURISDICTIONAL	DETERMINATION
JUSKINDIK TILDNAL	TIP. LEKIVILINA LILIIN

	1 1	te of area (parcel) reviewed, t waterway: Unnamed Tribu	_	•
	Name of meares			dian River
JURI	SDICTIONAL DET	ERMINATION		
	Completed:	Desktop determination Site visit(s)	[] [X]	Date: Date(s): November 20, 2003 and July 26, 2005
	Jurisdictional D	Determination (JD):		
	United State] there appear to be (or) [] there appear to be no "waters of the ted States" on the project site. A preliminary JD is not appealable
	[X] Approved JI Cheek all tha	• • • • • • • • • • • • • • • • • • • •	pealable a	action (Reference 33 CFR part 331).
		"navigable waters of the Un reviewed area. Approxima		s" (as defined by 33 CFR part 329 and associated guidance) jurisdictional area:
		e "waters of the United State area. Approximate size of j	•	fined by 33 CFR part 328 and associated guidance) within the nat area: 7.81 aeres
		_		vaters or wetlands" within the reviewed area. bry Bird Rule Information Sheet for Determination of No Jurisdiction,

BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- [] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

- [] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. [] (2) The presence of interstate waters including interstate wetlands!. [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - [] (i) which are or could he used by interstate or foreign travelers for recreational or other purposes.
 - [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - [] (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- [] (4) Impoundments of waters otherwise defined as waters of the US.
- [X] (5) The presence of a tributary to a water identified in (1) (4) above.
- [] (6) The presence of territorial seas.
- [X] (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The wetlands on the site are contiguous with, and adjacent to, an unnamed, intermittent tributary to the Indian River, which is a tributary to the Oswegatchie River. The Oswegatchie River is a tributary to the St. Lawrence River, a navigable waterway.

Lateral Extent of Jurisdiction: (Reference: 33 CFR p [X] Ordinary High Water Mark indicated by: [X] clear, natural line impressed on the bank [] the presence of litter and debris	[] High Tide Line indicated by: [] oil or scum line along shore objects [] finc shell or debris deposits (foreshore)
[X] changes in the character of soil[X] destruction of terrestrial vegetation[] shelving[X] other: a defined bed and banks	[] physical markings/eharacteristics [] tidal gages [] other:
[] Mean High Water Mark indicated by: [] survey to available datum; [] physical markings	e; [] vegetation lines/changes in vegetation types.
[X] Wetland boundaries, as shown on the attached wetla GIS Component of the ITAM Program and the	and delineation map and/or in a delineation report prepared by: e Environmental Division, Fort Drum, NY
the United States: [] Waste treatment systems, including treatment por [] Artificially irrigated areas, which would revert to [] Artificial lakes and ponds created by excavating a retain water and which are used exclusively for s rice growing. [] Artificial reflecting or swimming pools or other s by excavating and/or diking dry land to retain wa [] Water-filled depressions created in dry land incid the purpose of obtaining fill, sand, or gravel unle abandoned and the resulting body of water meets 328.3(a). [X] Isolated, intrastate wetland with no nexus to inte	basis of 33 CFR part 328.3(a)(3). hat the following waters present on the site are not Waters of ods or lagoons, pursuant to 33 CFR part 328.3. upland if the irrigation ceased. and/or diking dry land to collect and uuch purposes as stock watering, irrigation, settling basins, or small ornamental bodies of water created atter for primarily aesthetic reasons. ental to construction activity and pits excavated in dry land for ss and until the construction or excavation operation is the definition of waters of the United States found at 33 CFR erstate commerce. atural Resources Conservation Service. Explain rationale:
[X] Maps, plans, plots or plat submitted by or on behalf [X] Data sheets prepared/submitted by or on behalf of the [X] This office coneurs with the delineation report, of Barry A. Vittor and Associates, Inc. [] This office does not concur with the delineation of [] Data sheets prepared by the Corps. [] Corps' navigable waters' studies: [] U.S. Geological Survey Hydrologic Atlas: [] U.S. Geological Survey 7.5 Minute Topographic map [] U.S. Geological Survey 7.5 Minute Historic quadrang [] U.S. Geological Survey 15 Minute Historic quadrang [] U.S. Geological Survey 15 Minute Historic quadrang [X] USDA Natural Resources Conservation Service Soil [] National wetlands inventory maps: [] FEMA/FIRM maps (Map Name & Date): [] 100-year Floodplain Elevation is: (NGVD) [] Aerial Photographs (Name & Date): [X] Other photographs (Date): November 20, 2003, and [] Advanced Identification Wetland maps: [X] Site visit/determination conducted on: November 21 [] Applicable/supporting case law: [] Other information (please specify):	of the applicant. the applicant. dated September 2004, prepared by (company): report, dated , prepared by (company): os: gles: Gles: Survey: Jefferson County, NY

Wetlands are identified and delineared using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: NEW YORK DISTRICT (CENAN) FILE NUMBER: 2005-00732 PROJECT LOCATION INFORMATION: State: New York County: Nassau Center coordinates of site (latitude/longitude): lat:40-38-11.0040 lon:73-44-38.0040 Approximate size of area (pareel) reviewed, including uplands: 1 acre. Name of nearest waterway: Jamaica Bay Name of watershed: JAMAICA BAY JURISDICTIONAL DETERMINATION Completed: Desktop determination [X]Date: July 27, 2005 Site visit(s) [] Date(s): Jurisdictional Determination (JD): [X] Preliminary JD - Based on available information, there appear to be "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). [] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: [] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. [] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": [X] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [X] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. [] (2) The presence of interstate waters including interstate wetlands¹. [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (eheck all that apply): [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. [] (iii) which are or could be used for industrial purposes by industries in interstate commerce. [] (4) Impoundments of waters otherwise defined as waters of the US. [] (5) The presence of a tributary to a water identified in (1) - (4) above. [] (6) The presence of territorial seas. [] (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

Jamaica Bay is subject to the ebb and flow of the tide and therefore is a Navigable Water of the US.

[] Ordinary High Water Mark indicated by: [] elear, natural line impressed on the bank [] the presence of litter and debris [] ehanges in the character of soil [] destruction of terrestrial vegetation	 [X] High Tide Line indicated by: [] oil or seum line along shore objects [] fine shell or debris deposits (foreshore) [X] physical markings/characteristics [] tidal gages
[] shclving [] other:	[] other:
[] Mean High Water Mark indicated by: [] survey to available datum; [] physical marking	gs; [] vegetation lines/changes in vegetation types.
[] Wetland boundaries, as shown on the attached wetla	and delineation map and/or in a delineation report prepared by:
the United States: [] Waste treatment systems, including treatment po [] Artificially irrigated areas, which would revert to [] Artificial lakes and ponds created by exeavating retain water and which are used exclusively for rice growing. [] Artificial reflecting or swimming pools or other by excavating and/or diking dry land to retain w [] Water-filled depressions created in dry land incite the purpose of obtaining fill, sand, or gravel unleabandoned and the resulting body of water meets 328.3(a). [] Isolated, intrastate wetland with no nexus to inte	that the following waters present on the site are not Waters of shat the following waters present on the site are not Waters of shad or lagoons, pursuant to 33 CFR part 328.3. The outland if the irrigation eeased, and/or diking dry land to collect and such purposes as stock watering, irrigation, settling basins, or small ornamental bodies of water created vater for primarily aesthetic reasons, dental to construction activity and pits excavated in dry land for ess and until the construction or excavation operation is as the definition of waters of the United States found at 33 CFR erstate commerce. Natural Resources Conservation Service. Explain rationale:
[X] Maps, plans, plots or plat submitted by or on behal [] Data sheets prepared/submitted by or on behalf of the [] This office concurs with the delineation report, of [] This office does not concur with the delineation [] Data sheets prepared by the Corps. [] Corps' navigable waters' studies: [] U.S. Geological Survey Hydrologic Atlas: [] U.S. Geological Survey 7.5 Minute Topographic material [] U.S. Geological Survey 7.5 Minute Historic quadranterial [] U.S. Geological Survey 15 Minute Historic quadranterial [] U.S. Autural Resources Conservation Service Soil [] National wetlands inventory maps: [] State/Local wetland inventory maps: [] FEMA/FIRM maps (Map Name & Date): [] 100-year Floodplain Elevation is: (NGVD) [] Aerial Photographs (Name & Date): [] Other photographs (Date): [] Advanced Identification Wetland maps: [] Site visit/determination conducted on: [] Applicable/supporting case law: [] Other information (please specify):	If of the applicant. he applicant. dated , prepared by (company): report, dated , prepared by (company): aps: ngles: gles:

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers DISTRICT OFFICE: NEW YORK DISTRICT (CENAN) FILE NUMBER: 2005-01058 PROJECT LOCATION INFORMATION: New York State: County: Westchester Center coordinates of site (latitude/longitude): lat:41-2-22.9920 lon:73-45-39.9960 Approximate size of area (parcel) reviewed, including uplands: 1 acre. Name of nearest waterway: Mamaroneck River Name of watershed: LONG ISLAND SOUND JURISDICTIONAL DETERMINATION Completed: Desktop determination [X]Date: October 14, 2005 Site visit(s) [] Date(s): Jurisdictional Determination (JD): [X] Preliminary JD - Based on available information, [X] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). [] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: [] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": [] The presence of waters that are subject to the ehb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign eommerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in

- [] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the cbb and flow of the tide.
- [] (2) The presence of interstate waters including interstate wetlands.
- [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - [] (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- [] (4) Impoundments of waters otherwise defined as waters of the US.
- [X] (5) The presence of a tributary to a water identified in (1) (4) above.
- [] (6) The presence of territorial seas.
- [X] (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5) or B(3) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(3) is used as the Basis of Jurisdiction, document the rational eused to make adjacency determination: The Mamatoneck River is a tributary to Long Island Sound which is navigable.

	Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)
	[X] Ordinary High Water Mark indicated by: [] High Tide Line indicated by:
	[] clear, natural line impressed on the bank [] oil or scum line along shore objects
	[] the presence of litter and debris [] fine shell or debris deposits (foreshore)
	[] changes in the character of soil [] physical markings/characteristics
	[] destruction of terrestrial vegetation [] tidal gages
	[] shelving
	[X] other: Applicant's photos & drawings
	[] Mean High Water Mark indicated by:
	[] survey to available datum; [] physical markings; [] vegetation lines/changes in vegetation types.
	[] Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
	Basis For Not Asserting Jurisdiction:
	[] The reviewed area consists entirely of uplands.
	[] Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).
	[] Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).
	[] The Corps has made a case-specific determination that the following waters present on the site are not Waters of
	the United States:
	[] Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.
	[] Artificially irrigated areas, which would revert to upland if the irrigation ceased.
	[] Artificial lakes and ponds created by excavating and/or diking dry land to collect and
	retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or
	rice growing.
	[] Artificial reflecting or swimming pools or other small ornamental bodies of water created
	by excavating and/or diking dry land to retain water for primarily aesthetic reasons.
	[] Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for
	the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is
	abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).
	[] Isolated, intrastate wetland with no nexus to interstate commerce.
	[] Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	[] Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
	[] Other (explain):
DATA	REVIEWED FOR JURISDICTIONAL DETERMINATION (mark all that apply):
	[X] Maps, plans, plots or plat submitted by or on behalf of the applicant.
	[] Data sheets prepared/submitted by or on behalf of the applicant.
	[] This office concurs with the delineation report, dated , prepared by (company):
	[] This office does not concur with the delincation report, dated , prepared by (company):
	[] Data sheets prepared by the Corps.
	[] Corps' navigable waters' studies:
	[] U.S. Geological Survey Hydrologic Atlas:
	[] U.S. Geological Survey 7.5 Minute Topographic maps:
	[] U.S. Geological Survey 7.5 Minute Historic quadrangles:
	[] U.S. Geological Survey 15 Minute Historic quadrangles:
	[] USDA Natural Resources Conservation Service Soil Survey:
	[] National wetlands inventory maps:
	[] State/Local wetland inventory maps:
	[] FEMA/FIRM maps (Map Name & Date):
	[] 100-year Floodplain Elevation is: (NGVD)
	[] Aerial Photographs (Name & Date):
	[X] Other photographs (Date): <u>Undated</u>
	[] Advanced Identification Wetland maps:
	[] Site visit/determination conducted on:
	[] Applicable/supporting case law:
	[] Other information (please specify):

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